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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/531,121	03/17/2000	David M. Greschler	2704.1001-003	5255
23483	7590	02/04/2004	EXAMINER	
HALE AND DORR, LLP 60 STATE STREET BOSTON, MA 02109			NGUYEN, QUANG N	
			ART UNIT	PAPER NUMBER
			2141	

DATE MAILED: 02/04/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/531,121

Applicant(s)

GRESCHLER ET AL.

Examiner

Quang N. Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

Detail Action

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/16/2004 has been entered.

Claims 1-20 are presented for examination. Claims 1 and 11 have been amended. Claim 20 has been added as a new claim.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily

published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-3 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Kalajan (US 5,941,954).

4. As to claim 1, Kalajan teaches a method and system for redirecting network messages as in Fig. 1, comprising:

executing a process requiring a networking protocol (i.e., executing a general purpose application **24**, such as a database program or an off-the-shelf e-mail program, which is configured to connect to a designated address and port);

on a local client computer, intercepting communications from the process to a port assigned to support the network protocol (i.e., the message redirection application **20** on client computer **10** configured to listen to one or more designated TCP or UDP, or generally IP, ports **A**, **B**, and **C** of client computer **10** for messages); and

redirecting the communications over an open port on the client computer (i.e., the message redirection application **20** by listening to the designated port, redirects all message traffic, and transports it across network **16** to network resource **14** via the redirected message path/port indicated by dotted lines **30**) (Kalajan, Fig. 1, C3: L24-67 and C4: L1-18).

5. As to claims 2-3, Kalajan teaches the method as in claim 1, wherein the step of executing the process comprises executing an application program (i.e., executing a general purpose application **24**, such as an off-the-shelf e-mail program, to download an e-mail message redirection application **20** to communicate with a network resource **14** across the Internet **16**) residing on a remote storage asset (Kalajan, C4: L19-42).

6. Claim 20 is a corresponding system claim of method claim 1; therefore, it is rejected under the same rationale.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4-5, 10-11 and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kalajan, in view of Mark Joseph Edwards, "Network Client and Workstation Concerns", Dec 1997, here in after referred as Edwards.

8. As to claims 4-5, Kalajan teaches the method as in claim 1, but does not explicitly teach wherein the process utilizes SMB networking and the step of intercepting communications from the process comprises intercepting communications for port 139.

In the related art, Edwards teaches port 139 is a TCP/UDP/FTP port used for NetBIOS sessions by SMB for file-sharing and print-sharing (Edwards, "Network Client and Workstation Concerns", 3rd paragraph of page 1).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of Kalajan and Edwards to utilize SMB network and to intercept communications from a process to port 139 because it would provide protection for the network from unauthorized intruders taking the advantage of the vulnerabilities of the SMB protocol (Edwards, "Network Client and Workstation Concerns", 3rd paragraph of page 1).

9. As to claim 10, Kalajan-Edwards teaches the method as in claim 1, wherein for the database (file-sharing) program, the intercepted communications for port 139 would be a file-sharing message and it would be redirected and transferred over a FTP port.

10. Claims 11 and 13-14 are corresponding system claims of method claims 1-5 and 10; therefore, they are rejected under the same rationale.

11. Claims 6-9, 12, and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kalajan, in view of Grate et al. (US 5,956,483), herein after referred as Grate.

12. As to claim 6, Kalajan teaches the method as in claim 1, but does not explicitly teach the step of intercepting communications from the process comprises addressing the communications to an address assigned for local loop-back.

In the related art, Grate teaches a function calling protocol and methodology allowing local function calls embedded within HTML documents by addressing the HTTP POST message to the IP address of the Local Host service (referred to more generally as "local loop-back") along with a pre-selected TCP/IP port designation (Grate, C2: L28-44, C3: L23-36 and C10: L26-63).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of Kalajan and Grate to have included the step of addressing the communications to an address assigned for local loop-back because it would allow client/user/consumer to securely engage in commerce with on-line merchants over the Internet by accessing merchant web sites of the system from behind company Internet firewalls (Grate, C10: L20-25).

13. As to claims 7-9, Kalajan-Grate teaches the step of redirecting the communications over the open port comprises encapsulating the communications in an HTTP packet, wherein the communications are located in a post data portion of the

HTTP packet (i.e., HTTP POST message), and the open port is an HTTP port (Grate, port 132B of Fig. 1, C3: L13-44, and C9: L13-37).

14. Claim 12 is a corresponding system claim of claim 9; therefore, it is rejected under the same rationale.

15. Claims 15-17 are corresponding system claims of claims 6-8; therefore they are rejected under the same rationale.

16. Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kalajan, in view of Fishler et al. (US 5,941,959), herein after referred as Fishler.

17. As to claim 18, Kalajan teaches the method as in claim 1, but does not explicitly teach the step of constructing an application descriptor file for coordinating actions between a client and a server.

In the related art, Fishler teaches a system and method for getting descriptors to data and passing the descriptors among data sources and sinks, wherein the application server invokes a routine to create a message descriptor for its application-specific data and performs such processing as necessary to fill the associated data buffer with the application-specific data (Fishler, C17: L4253).

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Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of Kalajan and Fishler to have included the step of constructing an application descriptor file for coordinating actions between a client and a server because it would allow the data sources/sinks which consume the data actual initiate the copying of the actual data itself, using global pointers to the data in the descriptors (Fishler, Abstract).

18. Claim 19 is a corresponding system claim of method claim 18; therefore, it is rejected under the same rationale.

19. Applicant's arguments as well as request for reconsideration filed on 01/16/2004 have been fully considered but they are moot in view of the new ground(s) of rejection.

20. Further references of interest are cited on Form PTO-892, which is an attachment to this office action.


21. A shortened statutory period for reply to this action is set to expire THREE (3) months from the mailing date of this communication. See 37 CFR 1.134.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (703) 305-8190.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's SPE, Rupal Dharia, can be reached at (703) 305-4003. The fax phone number for the organization is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700.

Quang N. Nguyen


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER